

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,	}	C.A. No. 24-2746
	}	D.C. No. CR 21-293-SB
Plaintiff-Appellee,	}	(Central Dist. Cal.)
	}	
v.	}	GOVERNMENT’S
	}	OPPOSITION TO
MAHSA PARVIZ,	}	DEFENDANT’S MOTION FOR
	}	BAIL PENDING APPEAL
Defendant-Appellant.	}	UNDER CIRCUIT RULE 9-1.2

Plaintiff-Appellee United States of America, by and through its counsel of record, hereby opposes defendant-appellant Mahsa Parviz’s request for bail pending appeal filed on January 7, 2025 (Dkt. 21).¹

Defendant has two pending appeals—C.A. Nos. 22-50160² and 24-2746 (the instant appeal). Defendant previously sought bail pending appeal in her initial appeal (C.A. No. 22-50160). The district court denied her request, which this Court affirmed on the ground that the

¹ “Dkt.” refers to docket entries filed in this Court, with the case number specified if it was not filed in the instant case.

² This appeal was argued and submitted on May 17, 2024, and the parties are awaiting a decision.

district court did not err in finding that defendant failed to show, by clear and convincing evidence, that she was not likely to flee or to pose a danger to the safety of any other person or the community if released. (C.A. No. 22-50160 Dkt. 62). This denial controls.

If defendant wishes to move for reconsideration of the denial of bail pending appeal in C.A. No. 22-50160, she must file through her appointed counsel the appropriate motion in that case.

Even if defendant could seek bail in this appeal, she would first need to make an application to the district court. *See* 18 U.S.C. § 3143(b)(1)(b) (requiring a Court determine that “the appeal is not for the purpose of delay and raises a substantial question of law” likely to disrupt the defendant’s conviction or sentence, making it specific to each appeal). By filing this request directly with this Court in this appeal—and not first with the district court—she has failed to follow procedural requirements. Fed. R. App. P. 9(b); *United States v. Provenzano*, 605 F.2d 85, 91 (3d Cir. 1979) (“[Rule] 9(b) now explicitly provides . . . that an application for release after a judgment of conviction be made in the first instance to the district court”); *see also* *Stack v. Boyle*, 342 U.S. 1, 6 (1951) (“The proper procedure for

challenging bail as unlawfully fixed is by motion for reduction of bail and appeal to the Court of Appeals from an order denying such motion.”).

Defendant’s other requests, namely for a new trial and appointment of trial counsel, were either appropriately raised in her earlier appeal or are not properly before this Court in the form of this motion.

For these reasons, defendant’s motion should be denied.

DATED: January 10, 2025

Respectfully submitted,

E. MARTIN ESTRADA
United States Attorney

DAVID T. RYAN
Assistant United States Attorney
Chief, National Security Division

/s/ Jenna W. Long

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**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

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9th Cir. Case Number(s) 24-2746

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MAHSA PARVIZ
Reg No. 54652-509
FTC Oklahoma City
FEDERAL TRANSFER CENTER
P.O. BOX 898801
OKLAHOMA CITY, OK 73189

Description of Document(s) (*required for all documents*):

Government's Opposition to Defendant's Motion for Bail Pending Appeal

Signature s/ Jenna W. Long

Date Jan 10, 2025

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